

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THOMAS EDWARD PETRONGLO,	:	
	:	
Petitioner,	:	Civ. No. 23-23328 (RBK)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	MEMORANDUM & ORDER
	:	
Respondent.	:	
	:	

Petitioner is a federal prisoner presently confined at F.C.I. Fort Dix in Fort Dix, New Jersey. He has filed a motion to vacate, set aside or correct his sentence pursuant 28 U.S.C. § 2255. (*See* ECF 1). Local Civil Rule 81.2 though provides:

Unless prepared by counsel, . . . motions under 28 U.S.C. §2255 shall be in writing (legibly handwritten in ink or typewritten), signed by the petitioner or movant, on forms supplied by the Clerk.

L. Civ. R. 81.2(a). Petitioner did not use the § 2255 form supplied by the Clerk for section 2255 motions, *i.e.*, AO243 (modified): DNJ-Habeas-004 (Rev. 01-2014). Thus, this matter will be administratively terminated at the present time.

Accordingly, IT IS on this 2nd day of January 2024,

ORDERED that the Clerk shall administratively terminate this case; Petitioner is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); and it is further

ORDERED that the Clerk's service of the blank § 2255 motion form shall not be construed as this Court's finding that the motion is or is not timely, or that Petitioner's claims are or are not procedurally defaulted; and it is further

ORDERED that if Petitioner wishes to reopen this case, he shall so notify the Court, in a writing addressed to the Clerk, within thirty (30) days of the date of entry of this memorandum and order; Petitioner's writing shall include a complete, signed § 2255 motion on the appropriate form; and it is further

ORDERED that upon receipt of a writing from Petitioner stating that he wishes to reopen this case, and a complete, signed § 2255 motion, the Clerk will be directed to reopen this case; and it is finally

ORDERED that the Clerk shall serve on Petitioner by regular U.S. mail: (1) a copy of this memorandum and order; and (2) a blank copy of a motion to vacate, set aside or correct a sentence by a person in federal custody – AO 243 (modified): DNJ-Habeas-004 (Rev.01-2014).

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge